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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/515,699	02/29/2000	Cameron Shea Miner	AM9-99-0227	1342

7590 10/31/2003  
Samuel A Kassatly  
6819 Trinidad Drive  
San Jose, CA 95120

EXAMINER

WON, YOUNG N

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 10/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/515,699

Applicant(s)

MINER, CAMERON SHEA

Examiner

Young N Won

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-14,16-20,39,40 and 42-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-14,16-20,39,40 and 42-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. In view of the Appeal Brief filed on August 28, 2003, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Claims 1-3, 5-14, 16-20, 39, 40, and 42-46 have been examined and are pending with this action.

### ***Claim Objections***

3. Claim 2 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper

dependent form, or rewrite the claim(s) in independent form. Claim 2 reiterates an element that has been previously recited in claim 3, in which claim 2 depends upon.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 3, 5-7, 11-13, 16-17, 39-43, and 45-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al. (US 5970499 A).

As per claims 1, 13, and 39, Smith teaches of a system and a method for automatically (see col.2, lines 47-49) associating contextual input data (see Fig.2, #242; col.5, lines 24-28 & 57-64; col.10, lines 27-35 & 49-52; and col.11, lines 50-53) with

available multimedia resources (see abstract), comprising: a contextual input device or means for capturing the contextual input data (see Fig.2, #245; and col.5, lines 13-17 & 24-28); an assistant device or means (see Fig.2, #243: "server") for processing the contextual input data captured by the contextual input device, and for formulating a query based on processed contextual input data and a user profile (see Fig.2, #210 & #242; and col.5, lines 57-64); and a contextual multimedia association module or means for associating the processed contextual input data with the multimedia resources (see Fig.2, #220) and for generating association matches (see Fig.2; and col.5, line 64 to col.6, line 16).

As per claims 3 and 40, Smith further teaches wherein the assistant device automatically formulates the query based on a contextual input from the user (see claim 1 rejection above and col.2, lines 45-61).

As per claim 5, Smith further teaches wherein the contextual input device digitizes the contextual input data. Although Smith does not explicitly teach that the contextual input device digitizes the contextual input data, such process is inherent with all data or information transferred to, from, or via a computer and is well known in the art.

As per claim 6, 16, and 42, Smith further teaches wherein the assistant device presents the association matches to a user (see col.5, line 67 to col.6, line 16).

As per claims 7, 17, and 43, Smith further teaches wherein the assistant device develops the user profile based on association matches that were previously presented to the user (see col.5, lines 63-64).

As per claims, 11, 12, and 46, Smith further teaches wherein the contextual input data are based on any one or more of image signals or audio signals (see col.1, lines 9-13 & 55-58); and wherein processing the contextual input data includes enhancing the quality of the any one or more of image signals or audio signals (see col.7, line 65 to col.8, line 1).

As per claim 45, Smith further teaches wherein the contextual multimedia association applies the query to a data store on a network (see Fig.7 and col.9, line 57 to col.11, line 3).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 8-10, 14, 18-20, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (US 5970499 A) in view of Bull et al. (US 5901287 A).

As per claims 8, 18, and 44, Smith does not explicitly teach wherein the assistant device updates the user digital profile based on recent association matches. Bull teaches of updating the user digital profile based on recent association matches (see col.8, line 65 to col.9, line 2 and col.12, lines 2-4). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the

teachings of Bull within the system of Smith by updating user profile within the system and method of associating contextual input data with multimedia resources because by keeping an updated profile of the user, the "composite data" of Smith can be retrieved more quickly and efficiently with less processing requirement with each request attempt, and Smith teaches of a request including user or patient information (see Fig.2, #242 and #200).

As per claims 2 and 14, Smith further teaches wherein the assistant device automatically formulates the query based on a contextual input from the user (see claim 1 rejection above and col.2, lines 45-61).

As per claims 9, and 19, Smith further teaches wherein the contextual multimedia association applies the query to a data store on a network (see claim 45 rejection above).

As per claim 10, Smith further teaches wherein the network includes the World Wide Web (see col.2, lines 26-42; col.4, line 66 to col.5, line 3; and col.6, lines 41-49).

As per claims 20, Smith further teaches wherein the contextual input data are based on any one or more of image signals or audio signals; and wherein processing the contextual input data includes enhancing the quality of the any one or more of image signals or audio signals (see claim 11 rejection above).

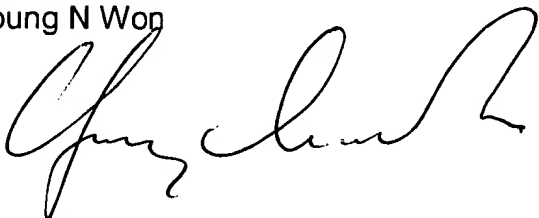
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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Young N Won whose telephone number is 703-605-4241. The examiner can normally be reached on M-Th: 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on 703-308-6662. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Young N Won



October 22, 2003



**HOSAIN ALAM**  
**SUPERVISORY PATENT EXAMINER**